



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05779-99
16 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR [REDACTED] USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 2 Sep 99 w/attachments
(2) Memo for the Record dtd 7 Feb 00
(3) PERS-85 memo dtd 25 Jan 00
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant commander he would have been assigned had approval of his promotion not been delayed. He originally requested that his date of rank reflect his earlier selection in October 1997. The memorandum for the record at enclosure (2) reflects Petitioner amended his request by agreeing to a date of rank and effective date of 8 November 1997. His current date of rank and effective date are 30 June 1999.

2. The Board, consisting of Ms. Humberd and Nofziger and Mr. Taylor, reviewed Petitioner's allegations of error and injustice on 10 February 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his lieutenant commander date of rank (and by implication, effective date) to 8 November 1997.

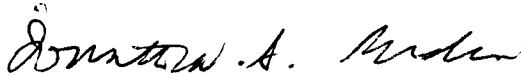
CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an injustice warranting the following corrective action.


RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant commander as 8 November 1997; and that his lineal precedence be adjusted accordingly.
 - b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
 - c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director

HD:hd
Docket No. 05779-99
7 February 2000

MEMORANDUM FOR THE RECORD

Subj: LCDR [REDACTED] USN [REDACTED]

1. This memorandum for the record is to document a phone conversation between subject member and this staff member concerning his petition with this Board.
 2. Lieutenant Commander [REDACTED] requested to have his date of rank and effective date in the grade of lieutenant commander be backdated to reflect his earlier selection in October 1997.
 3. The advisory opinion from BUPERS recommend that he be given a date of rank of 8 November 1997. This information was given to the Commander and he indicated that he agreed with the advisory opinion and that his case could go before the Board without any written comments from him.
- [REDACTED]

5779-99



DEPARTMENT OF THE NAVY

BUREAU OF NAVAL PERSONNEL

5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420

Ser 85/0119

25 Jan 00

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED], USN [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of LCDR [REDACTED] request to backdate his date of rank.

2. [REDACTED] was selected by the FY-98 Active-Duty Line Lieutenant Commander Promotion Selection Board. Due to a delay in processing adverse information on selectee, approval of his promotion was delayed. The subject promotion was approved after his projected promotion date of 8 November 1997. [REDACTED] current date of rank is 30 June 1999.

3. Recommend his date of rank be backdated to 8 November 1997.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division